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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON
JAN 23 2015
SEAN F. McAVOY, CLERK
DEPUTY
SPOKANE, WASHINGTON

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,)
)
Plaintiff,) NO: 14-CR-21-RMP-16
)
vs.)
)
KATHRYN LUST-LIGGINS,) **PRE-TRIAL DIVERSION AGREEMENT**
)
Defendant.)

I. PRE-TRIAL DIVERSION AGREEMENT

It is alleged by an Indictment filed on February 20, 2014, in Cause Number 14-CR-21-RMP-16, that KATHRYN LUST-LIGGINS committed the following offenses against the United States in the Eastern District of Washington:

COUNT 2

That beginning on a date unknown, but by no later than on or about July 18, 2012, the exact date being unknown to the Grand Jury, and continuously thereafter up through and including February 19, 2014, in the Eastern District of Washington and elsewhere, DEANDRE S. GAITHER, JASON L. JONES, KORY A.J. HALL, TONY L. BRAMLETT, JOSEPH L. DAVIS, ROBERT Y.L. RUSHING, RONNIE T. SIMMS, DAVID L. WOMACK, VONDERICK NOBLE, SAM G. WARD, RONALD E. GARDNER, TAKIYAH R. GAYLE, STAFONE N.

1 FUENTES, CIERRA C. WHITE, ELIZABETH I. WEISTER, KENNETH R.
 2 BUDIK, COURTNEY D. VAUGHN, CALVIN B. MASON, **KATHRYN LUST-**
 3 **LIGGINS**, GILBERT A. CRAWLEY, BRETT A. LUTON, MICHAEL A.
 4 KING, JASON C. BROWN, TODD ANDRY, SEAN M. ALLEN, SEAN L.
 5 LAMBERT, AARON C. BROWN, RASHJEL G. CAGE, and NICHOLAS P.
 6 MADDUX, and others not known to the Grand Jury, did knowingly and
 7 intentionally combine, conspire, confederate and agree together with each other
 8 and with other persons, both known and unknown to the Grand Jury, to commit
 9 the following offense against the United States, to wit: conspiracy to distribute a
 10 mixture or substance containing a detectable amount of oxycodone hydrochloride,
 11 an opiate and Schedule II controlled substance, pursuant to 21 U.S.C. § 812(c),
 12 specifically in the form of pills containing oxycodone hydrochloride, in violation
 13 of 21 U.S.C. § 841(a)(1), (b)(1)(C), all in violation of 21 U.S.C. § 846.

14 COUNT 5

15 That beginning on a date unknown, but by on or about December 17, 2013,
 16 the exact date being unknown to the Grand Jury, and continuously thereafter up
 17 through and including December 19, 2013, in the Eastern District of Washington
 18 and elsewhere, JASON L. JONES, DEANDRE S. GAITHER, RONALD E.
 19 GARDNER, BRETT A. LUTON, **KATHRYN LUST-LIGGINS**, VONDERICK
 20 NOBLE, TONY L. BRAMLETT, DYON L. BRAMLETT, and SEAN M.
 21 ALLEN, and others not known to the Grand Jury, did knowingly and intentionally
 22 combine, conspire, confederate and agree together with each other and with other
 23 persons, both known and unknown to the Grand Jury, to commit the following
 24 offense against the United States, to wit: possession with intent to distribute a
 25 mixture or substance containing a detectable amount of oxycodone hydrochloride,
 26 an opiate and Schedule II controlled substance, listed at 21 U.S.C. § 812(c),
 27 specifically in the form of pills containing oxycodone hydrochloride, in violation
 28 of 21 U.S.C. § 841(a)(1), (b)(1)(C), and 18 U.S.C. § 2, all in violation of 21
 U.S.C. § 846.

It appears, however, after a comprehensive investigation of the offenses and
 that of **KATHRYN LUST-LIGGINS**' background, that the interests of the United
 States and **KATHRYN LUST-LIGGINS**' own interests, and the interests of justice,
 will be best served by the following procedure, therefore:

1 On the authority of the Attorney General of the United States, by MICHAEL
2 C. ORMSBY, United States Attorney for the Eastern District of Washington, and
3 Jared C. Kimball, Assistant United States Attorney for the Eastern District of
4 Washington, prosecution in this District for these offenses shall be deferred for a
5 period of thirty-six (36) months from the date of the filing of this Agreement,
6 provided that you abide by the following conditions and the requirements of the
7 Pre-Trial Diversion program set out in detail below.

8 Should you violate any conditions of this supervision, the United States
9 Attorney or his designee may revoke or modify any conditions of this Pre-Trial
10 Diversion program or change the period of supervision for an additional period
11 which shall in no case exceed twelve (12) months from the original termination
12 date of the diversion agreement. The United States Attorney may release you from
13 supervision at any time. The United States Attorney may at any time within the
14 period of your supervision reinstate prosecution for the underlying offenses should
15 you violate any of the conditions of this supervision and will furnish you with
16 notice specifying the conditions of your program which you have violated.

17 If, upon successful completion of the program and your period of
18 supervision, a Pre-Trial Diversion report is received to the effect that you have
19 complied with all the rules, regulations and conditions above mentioned, the
20 United States will move to dismiss, with prejudice, the charges for the above
21 described offenses.

22 Neither this Agreement nor any other document filed with the United States
23 Attorney as a result of your participation in the Pre-Trial Diversion Program will
24 be used against you in connection with any prosecution for the above described
25 offenses or be provided to any other person or entity other than the United States
26 Attorney's Office, United States District Court, and the United States Probation
27 Office without Court order or as otherwise required by law.

1 **II. CONDITIONS OF PRE-TRIAL DIVERSION**

2 1. You shall not commit a violation of any law (federal, state and local).
3 This condition shall not apply to simple moving (traffic) infractions. You
4 shall immediately contact your diversion supervisor if arrested and/or
5 questioned by any law enforcement officer.

6 2. You shall consistently be enrolled and achieving passing grades in
7 college/graduate school or be employed at a lawful occupation.

8 3. You shall continue to live in the Eastern District of Washington. If
9 you desire to move out of the district, you shall obtain permission from your
10 diversion supervisor so that the appropriate transfer of program
11 responsibility can be made prior to your intended relocation.

12 4. You shall report to your diversion supervisor as directed and shall
13 keep him/her informed of your whereabouts. The diversion supervisor will
14 determine the frequency and manner of such reporting.

15 5. You shall not possess, control and/or consume any controlled
16 substance without a valid prescription nor possess items commonly used for
17 the consumption of such substances (drug paraphernalia), or be in any place
18 where such substances are located, controlled and/or consumed. For
19 purposes of this diversion agreement, you are agreeing that marijuana is a
20 controlled substance under Federal Law and you agree further that you will
21 not use marijuana or seek a prescription for medical marijuana while under
22 the terms of this diversion agreement.

23 6. You shall submit a sample for urinalysis for controlled substances at
24 the request and discretion of your diversion supervisor.
25
26
27
28

1 7. You shall not associate or maintain meaningful/consistent contact
2 with gang members, specifically, but not limited to the Rolling 20's Crips.¹

3 8. You shall testify truthfully if called as a witness at any state or federal
4 court proceeding.

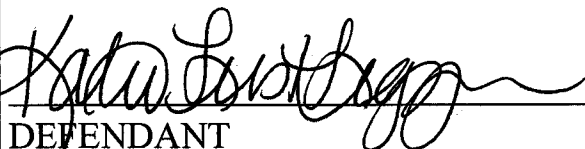
5 9. You shall consent to a search of your person and/or residence upon
6 request of the diversion supervisor.
7

8 I, KATHRYN LUST-LIGGINS, assert and certify that I am aware of the
9 fact that the Sixth Amendment to the Constitution of the United States provides
10 that in all criminal prosecutions the accused shall enjoy the right to a speedy and
11 public trial. I also am aware that Rule 48(b) of the Federal Rules of Criminal
12 Procedure provides that the Court may dismiss an indictment, information, or
13 complaint for unnecessary delay in presenting a charge to the Grand Jury, filing an
14 information, or in bringing a defendant to trial. I hereby request that the United
15 States Attorney for the Eastern District of Washington defer any prosecution of me
16 for violations of 18 U.S.C. § 841 and 846, as described herein, for a period of
17 thirty-six (36) months, and to induce him to defer such prosecution I agree and
18 consent that any delay from the date of this Agreement to the date of the initiation
19 of the prosecution, as provided for in the terms expressed herein, shall be deemed
20 to be a necessary delay at my request and I waive any defense to such prosecution
21 on the ground that such delay operated to deny my rights under Rule 48(b) of the
22
23

24 _____
25 ¹ Contact with Rolling 20's gang member Jason L. Jones is allowed -- but the
26 Defendant agrees that the diversion supervisor may limit -- or revoke such contact
27 all together as a condition of this agreement, if such contact is deemed detrimental
28 to the Defendant and/or deemed detrimental to the Defendant's ability to succeed
under the terms of this Pre-Trial Diversion Agreement.

1 Federal Rules of Criminal Procedure and the Sixth Amendment to the Constitution
2 of the United States to a speedy trial or to bar the prosecution by reason of the
3 running of the statute of limitations for the effective period of this Diversion
4 Agreement.

5 I hereby state that the above has been read by me and explained to me by my
6 attorney. I understand the conditions of my Pre-Trial Diversion and agree that I
7 will comply with them fully.
8
9


10 
11 _____

DEFENDANT

KATHRYN LUST-LIGGINS

1/23/15

DATE

14 
15 _____

NICOLAS V. VEITH

Attorney for KATHRYN LUST-LIGGINS

1/23/2015

DATE

18 
19 _____

JARED C. KIMBALL

Assistant United States Attorney

1.23.15

DATE

22 
23 _____
24 _____

U.S. PROBATION OFFICER

1-23-2015

DATE

27 APPROVED without passing judgment on the merits or wisdom of this diversion.
28

Rosanna Malouf Peterson

January 23, 2015

HONORABLE ROSANNA MALOUF PETERSON

DATE

Chief United States District Court Judge